

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

| | |
|--|--|
| In re: | |
| ABSOLUT FACILITIES MANAGEMENT, LLC, | Chapter 11 |
| Debtor. | Case No. 19-76260 (AST) |
| RONALD WINTERS, as Plan Administrator under the Chapter 11 Plan of Absolut Facilities Management, LLC, | Adv. Proc. No. 21-08107 (AST) |
| Plaintiff, | <u>JOINT DISCOVERY CONTROL PLAN</u> |
| - against - | |
| GRANDVIEW BROKERAGE CORPORATION, | |
| Defendant. | |

The parties submit this Joint Discovery Control Plan, pursuant to Rule 26(f)(2) and the Initial Scheduling Order [Dkt. No. 10, ¶1], and state:

CONFERENCE OF THE PARTIES

1. The parties, through their counsel, Jeffrey Chubak of Amini LLC on behalf of the Plaintiff, and Ira Lipsius of Lipsius-BenHaim Law, LLP on behalf of the Defendant, conferred telephonically on October 5, 2021, at 9:00 a.m. (Eastern).

2. At the conference, counsel discussed the parties' claims and defenses. In a nutshell, Plaintiff seeks to avoid and recover three payments of \$75,000/each made during the preference period in relation to a premium financing agreement, pursuant to Bankruptcy Code section 547(b) and 550. Defendant has denied liability, states the payments were not made on account of an antecedent debt owed by the Debtor before the payments were made and asserts additional defenses under section 547(c).

3. The parties also discussed possibilities for prompt settlement but determined settlement discussions are premature.

PROPOSED DISCOVERY PLAN

4. During the Rule 26(f) conference, counsel for the parties also discussed and agreed upon the following:

- (a) Plaintiff served its initial disclosures on October 13, 2021; Defendant served its initial disclosures on November 15, 2021.
- (b) Neither party has engaged an expert witness but both parties reserve the right to do so. If Plaintiff engages an expert witness its expert disclosures (if any) shall be served by December 1, 2021 and Defendant's expert disclosures (if any) shall be served by January 14, 2022.
- (c) All discovery shall be completed by February 15, 2022.
- (d) Dispositive motions (if any) shall be served by March 1, 2022.
- (e) The parties believe that they can present their respective cases in chief in one day.
- (f) The parties propose a trial date on or after March 28, 2022.

5. The parties otherwise do not believe that changes should be made to the timing, form or requirement for disclosures under Rule 26(a); do not believe that phased discovery is needed; and do not believe changes should be made at this time to limits on discovery imposed by the Rules.

Dated: November 15, 2021

AMINI LLC,
Counsel for the Plaintiff

/s/ Jeffrey Chubak
Jeffrey Chubak
131 West 35th Street, 12th Floor
New York, New York 10001
(212) 490-4700
jchubak@aminillc.com

LIPSIUS BENHAIM LAW LLP,
Counsel for the Defendant

/s/ Ira S. Lipsius
Ira S. Lipsius
Phillip Manella
80-02 Kew Gardens Road, 10th Floor
New York, New York 11415
(212) 981-8440
iral@lipsiuslaw.com
pmanela@lipsiuslaw.com